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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,849	05/04/2001	Bernhard Klein	01740726	9828

7590 06/21/2004

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

10

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,849

Applicant(s)

KLEIN, BERNHARD

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This is in responsive to amendment filed on May 18, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding, US Patent 5,933,100 [cited in previous office action], and further in view of Morita, US Patent 6,119,095.

As to claims 1, and 9, Golding teaches a navigation system with a user [operator] I/O interface [keypad, microphone, display, are inherent to an automobile navigation system]; a means [10, navigation system uses Global positioning system (GPS)] for providing position information; a means [13, route advisor] for determining route information [route plan] which receives a set of interval point [desired waypoints] requests [input] from a user [caller] and timing information [travel time] associated with corresponding interval point [street segment] request, and further wherein said route information in based on dynamic traffic condition [traffic and road condition data through traffic information interface] information received by system [col. 3, lines 16 – 63, col. 5, lines 5 – 28, col. 6, lines 49 - 64].

However, Golding does not teach explicitly to enter timing information including a desired time [intended time] to arrive at each of the interval point requests. In summary, he does

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not teach user inputs from terminal an intended travel [desired time] time together with visiting place information.

Morita teaches a itinerary preparing system [10] for planning and revising an itinerary based on desired [intended] travel time and expected consumption time comprising terminal, keyboard and mouse [12, fig. 1] for user to enter timing information including desired time [desired start time, end time] at each of point of interval point requests [destinations, desired places, and intermediate places] [col. 5, lines 17 – 35] and upon receiving information prepares itinerary and supplementary schedule depending upon excess/shortage of expected consumption time relative to the intended time [col. 3, lines 30 – 35]. Morita's itinerary system further teaches plan changing means including supplementary schedule presenting means for presenting supplementary schedule which offset a shortage of the expected consumption time relative to the intended time, when determining means finds the shortage which enables effective use of intended travel time [col. 3, lines 30 – 43].

It would have been an obvious to one of ordinary skill in art at the time of invention to combine the teachings of Golding and Morita because both are commonly directed to route planning and navigation system and Morita's itinerary system for planning and revising an itinerary based on user entered intended timing information including desired time [desired start time, end time] at each of point of interval point requests [destinations, desired places, and intermediate places], when incorporated into Golding's navigation system would have enabled effective use of intended travel time by making up the shortages of the expected consumption time relative to the intended time [col. 3, lines 36 – 43].

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4. As to claims 2, and 10, Morita discloses means for determining route information [14, information center] provides [itinerary is presented to the terminal] at least proposed route [itinerary is presented to the terminal], which may be accepted or rejected by a user [col. 8, lines 50 – 60].

5. As to claims 3, and 11, Morita discloses means for determining route information [14, information center] provides [itinerary is presented to the terminal] plurality of proposed route [itinerary is presented to the terminal] arranged according to priority [col. 3, lines 15 – 19, and col. 6, lines 58 – 60, col. 8, lines 55 – 60, col. 11, lines 34 – 47].

6. As to claims 4, and 12, Golding discloses the means [central database, and route advisor] for determining route information [col. 5, lines 5 – 16], to provide a plurality [variety] of proposed [acceptable alternatives] routes, and determining a failure to maintain a route schedule [time information threshold] and thereafter automatically replanning at least one route [col. 6, lines 36 - 64].

7. As to claims 5, and 13 Morita discloses means for replacing [changing or revising or rescheduling] a route [itinerary] in response to user approval of route information [col. 8, lines 50 – 60] therefore, it is inherent to system a means to reject too.

8. As to claims 6, and 14, Morita discloses to enter user inputs for timing information together with visiting place information from terminal therefore, he teaches to amend [to make a change] it too [abstract].

9. As to claims 7, and 15, Golding discloses the use of cellular telephone standard therefore he teaches to accept voice commands [col. 3, lines 39 – 40].

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10. As to claims 8, and 16, Golding discloses a traffic interface to receive digital broadcast over radio side bands for use in calculating route information [col. 2, lines 3 – 14, col. 6, lines 36 - 47].

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Brown can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
June 16, 2004


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 8600 2100